

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 03-cr-90036

Hon. Matthew F. Leitman

v.

DEMETRIES TERRELL TINDELL,

Defendant.

ORDER DENYING DEFENDANT'S MOTION
FOR COMPASSIONATE RELEASE (ECF No. 110)

Defendant Demetries Terrell Tindell is a federal prisoner in the custody of the Federal Bureau of Prisons. On December 5, 2021, Tindell filed a motion for compassionate release from custody pursuant to 18 U.S.C. § 3582(c)(1)(A). (*See* Mot., ECF No. 110) In his motion, Tindell seeks release based on his concerns about the COVID-19 pandemic and his underlying health conditions. (*See id.*)

The Government opposes Tindell's motion. (*See* Gvt. Resp., ECF No. 111.) It argues, among other things, that Tindell is not entitled to compassionate release because he has been vaccinated against the COVID-19 virus. (*See id.*, PageID.298.) And the Government has presented evidence that Tindell has received two doses of the Pfizer-BioNTech COVID-19 vaccine in 2021 and is scheduled to receive a

booster dose of the Pfizer-BioNTech vaccine on March 22, 2022. (*See* Medical Records, ECF No. 114-1, PageID.334, 352.)

Because Tindell has been vaccinated, the Court concludes that his risk of contracting COVID-19 while in custody does not constitute an extraordinary and compelling reason justifying his release. The United States Court of Appeals for the Sixth Circuit has repeatedly held in recent cases that “when [a prisoner] has access to the COVID-19 vaccine,” the prisoner’s potential exposure to the virus while in custody “does not present an extraordinary and compelling reason warranting” release. *United States v. Lemons*, 15 F.4th 747, 751 (6th Cir. 2021). *See also United States v. Traylor*, 16 F.4th 485, 487 (6th Cir. 2021) (holding district court did not abuse its discretion when it denied a motion for compassionate release based on prisoner’s underlying health conditions where defendant had been fully vaccinated against COVID-19). The Court is therefore not persuaded that Tindell is entitled to compassionate release at this time.

For all of the reasons stated above, **IT IS HEREBY ORDERED** that Tindell’s motion for compassionate release (ECF No. 110) is **DENIED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 11, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 11, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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